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Message Text

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ACTION AF-06

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 NSCE-00

SSO-00 USIE-00 INRE-00 IO-10 EUR-12 OMB-01 DHA-02

SCA-01 SCCT-01 /074 W
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O 3032250Z OCT 75
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC NIACT IMMEDIATE 3044
INFO USUN NEW YORK NIACT IMMEDIATE 1092

C O N F I D E N T I A L PRETORIA 4157

E.O. 11652: GDS
TAGS: PFOR, SF, US, UN
SUBJECT: VORSTER REACTION TO MITCHELL STATEMENT

REF: (A) USUN 5298 (B) PRETORIA 4139; (C) PRETORIA 3846;
(D) USUN 5322

1. PRIME MINISTER VORSTER'S OUTBURST (REF B) AGAINST MITCHELL SPEECH IN SPECIAL COMMITTEE ON APARTHEID (REF A) COMES AGAINST BACKGROUND OF FOREIGN MINISTER'S PROTEST OF PUBLICITY GIVEN TO PRIVATE AND CONGRESSIONAL CRITICISM OF DETENTIONS IN SOUTH AFRICA (REF C) AND SA COUNSELOR STEWARD'S PREDICTION TO USUN THAT WE MIGHT RECEIVE FORMAL PROTEST ABOUT MITCHELL STATEMENTS (REF D). IT ALSO FOLLOWS TRIPARTITE US-UK-FRENCH DEMARCHE ON NAMIBIA AND COOL USG RECEPTION OF VISITING DELEGATION FROM NAMIBIA CONSTITUTIONAL CONFERENCE, BOTH OF WHICH CONSTITUTE BLOW TO SAG HOPES OF GETTING ACCEPTANCE FOR "MULTINATIONAL" APPROACH TO NAMIBIAN SOLUTION. THUS, MR. MITCHELL'S STATEMENT MAY SIMPLY BE "LAST STRAW" IN GROWING SAG UNHAPPINESS AT FACT OF FIRM USG OPPOSITION TO SAG APARTHEID. IT MAY ALSO BE THAT SAG, IN LINE WITH ITS MORE AGRESSIVE STANCE TO CRITICISM IN US
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AS REFLECTED IN AMBASSADOR BOTHA'S RECENT RADIO AND TV REBUTTALS,
HAS CHOSEN TO USE WORDING OF STATEMENT TO ISSUE CHALLENGE OF
USG CRITICISM.

2. ALTHOUGH ACCURATE IN ITS GENERAL SENSE, THE
WORDING "DETENTION OF PERSONS WHOSE ONLY ACT IS
OUTSPOKEN OPPOSITION TO THE SYSTEM OF APARTHEID" IS
UNFORTUNATE IN THAT WE CANNOT DOCUMENT IT AS FACT.
IN THE THOUGHT THA CAREFUL REFLECTION MAY BE REQUIRED
IN DECIDING THE NATURE OF OUR COMMENT OR OTHER REACTION
TO VORSTER'S CHALLENGE (REFTEL B), WE OFFER THE
FOLLOWING OBSERVATIONS.

3. SOUTH AFRICAN LAW EMBODIES NUMEROUS PROVISIONS IN
ACTS SUCH AS TERRORISM, RIOTOUS ASSEMBLIES, AND SUPPRESSION
OF COMMUNISM WHICH MAKE IT LEGALLY POSSIBLE FOR THE
GOVERNMENT TO DETAIN INDIVIDUALS WHO HAVE DONE, OR ARE
SUSPECTED OF DOING, ACTS, THE INTENT AND NATURE OF WHICH
MAY BE SUBJECT TO WIDELY VARYING INTERPRETATIONS. REASONS
FOR DETENTION OR CHARGES ARE ALMOST NEVER STATED PUBLICLY.
UNLESS PERSONS ARE BROUGHT TO TRIAL . INDEED, WE FEEL CONFIDENT
THAT IN MANY CASES DETENTION IS USED AS AN INVESTIGATIVE TOOL
TO AID IN DETERMINING WHETHER OR NOT THE SUBJECT HAS INFORMATION
ABOUT, OR HAS HIMSELF BEEN INVOLVED IN, ANY PUNISHABLE
ACTIVITY. IT IS VERY OFTEN THE CASE THAT NO ONE IS
SURE WHY A CERTAIN INDIVIDUAL HAS BEEN DETAINED, AND
SOME ARE EVENTUALLY RELEASED WITHOUT CHARGE. MOREOVER,
THE LAW ALLOWS DETENTION OF WITNESSES WHOSE TESTIMONY
MAY BE REQUIRED.

4. GIVEN THE TREMENDOUS BREADTH OF THE TERRORISM ACT,
SUPPRESSION OF COMMUNISM ACT, AND OTHER LAWS,
WE FEEL CERAIN THAT ALTHOUGH ONE MIGHT SAY THAT MANY
OPPONENTS OF APARTHEID ARE BEING DETAINED FOR ACTIONS
WHICH ARE INTENDED TO CHALLENGE, OR SIMPLY TO PROTEST,
THE SYSTEM, THE SAG COULD CITE CONTRAVENTIONS, OR
SUSPECTED CONTRAVENTIONS, OF SPECIFIC SECTIONS OF LAW
AS GROUNDS FOR DETENTION, WITHOUT APPARENT REFERENCE
TO "APARTHEID" OR "SEPARATE DEVELOPMENT." ,NOT KNOWING
EXACTLY WHAT EVIDENCE SAG MAY HAVE ON DETAINEES, WE ARE
ON SAFER GROUND NOT TO ARGUE INDIVIDUAL CASES BUT SPEAK OUT ON
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REPRESSIVE LEGISLATION WHICH VIOLATES A PERSON'S BASIC WEIGHTS BY
DENYING ACCESS TO LEGAL COUNSEL AND FAMILY AND PROMPT NOTIFICATION
OF CHARGES.

5. WE BELIEVE THAT SOME PUBLIC REPONSE TO VORSTER CHALLENGE
SHOULD BE MADE. WE DOUBT THAT A RESPONSE CITING INDIVIDUAL
CASES IS ADVISABLE SINCE WE DO NOT HAVE SPECIFIC INFORMATION

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AND THEREFORE WOULD EXPOSE OURSELVES TO FURTHER CHALLENGES IN AN AREA WHERE SAG HAS THE ADVANTAGE. WE RECOMMEND A GENERAL RESPONSE TO THE EFFECT THAT WE STAND ON THE STATEMENT MADE BY MR. MITCHELL AND ARE CONFIDENT THAT THE PATTERN OF WIDESPREAD DETENTION OF PERSONS KNOWN FOR THEIR OPPOSITION TO RACIAL DISCRIMINATION SPEAKS FOR ITSELF.
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*** Current Handling Restrictions *** n/a
*** Current Classification *** CONFIDENTIAL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: APARTHEID, DIPLOMATIC PROTESTS, POLITICAL REPRESSION, SPEECHES
Control Number: n/a
Copy: SINGLE
Draft Date: 30 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975PRETOR04157
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: n/a
Film Number: D750377-0932
From: PRETORIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751098/aaaagtop.tel
Line Count: 126
Locator: TEXT ON MICROFILM, TEXT ON-LINE
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 PRETORIA 4139, 75 PRETORIA 3846, 75 USUN NEW YORK 5322
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 28 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 AUG 2003 by ShawDG>; APPROVED <17 NOV 2003 by izenbei0>
Review Markings:

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EO Systematic Review
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Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 971014
Subject: VORSTER REACTION TO MITCHELL STATEMENT
TAGS: PFOR, SF, US, UN, (MITCHELL, CLARENCE JR)
To: STATE INFO USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006